Civil Rights and Public Policy
Introduction

• Civil Rights
  – Definition: Policies designed to protect people against arbitrary or discriminatory treatment by government officials or individuals.

• Racial Discrimination

• Gender Discrimination

• Discrimination based on age, disability, sexual orientation and other factors
Two Centuries of Struggle

• Conceptions of Equality
  – Equal opportunity
    • How to define “equal opportunity”
  – Equal results

• Early American Views of Equality

• The Constitution and Inequality
  – 14th Amendment: “…equal protection of the laws.”
Race, the Constitution, and Public Policy

• The Era of Slavery
  – *Dred Scott v. Sandford* (1857)
  – The Civil War
  – The Thirteenth Amendment

• The Era of Reconstruction and Resegregation
  – Jim Crow laws
  – *Plessy v. Ferguson* (1896)- Separate but equal- schools, accommodations
Race, the Constitution, and Public Policy

• The Era of Civil Rights
  – Civil Rights Act of 1964 JFK
  – 24th Amendment- 1964
  – Voting Rights Act of 1965- LBJ
  – “I Have a Dream” speech- MLK
    • Nonviolent protest
Race, the Constitution, and Public Policy

• Getting and Using the Right To Vote
  – Suffrage: The legal right to vote.
  – Fifteenth Amendment: Extended suffrage to African Americans
  – Poll Taxes: Small taxes levied on the right to vote. 24th Amendment prohibited 1964
  – White Primary: Only whites were allowed to vote in the party primaries.
  – Literacy Tests
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• Other Minority Groups
  – Native Americans
    • Major Issues- alcoholism, poverty, diabetes, lack of health facilities
    • Indian Removal Act of 1830- Trail of Tears
  – Hispanic Americans
    • Mexican American Legal Defense and Education Fund
    • Significantly growing voter block
    • Highly democratic
Race, the Constitution, and Public Policy

• Other Minority Groups
  – Asian Americans
    • Japanese
      – Exclusion from neighborhood schools
      – Laws which denied the right to own land
      – Exclusion from labor organizations
      – Internment camps during WWII
    – **Chinese Americans**
      » Naturalization Act of 1906- forbid citizenship
      » Chinese Exclusion Act 1882- restricted immigration
Women, the Constitution, and Public Policy

- The Battle for the Vote
  - Nineteenth Amendment: Extended suffrage to women in 1920.
- The “Doldrums”: 1920-1960
  - Laws were designed to protect women, and protect men from competition with women.
- The Second Feminist Wave
  - Reed v. Reed (1971)
Women, the Constitution, and Public Policy

- Women in the Workplace
- Wage Discrimination and Comparable Worth
- Women in the Military
- Sexual Harassment
Newly Active Groups Under the Civil Rights Umbrella

• Civil Rights and the Graying of America
• Civil Rights and People With Disabilities
  – Americans with Disabilities Act of 1990
• Gay and Lesbian Rights
Affirmative Action

• Definition:
  – A policy designed to give special attention to or compensatory treatment of members of some previously disadvantaged group.

• A move towards equal results?

• *Regents of the University of California v. Bakke* (1978)/ *Gratz v. Bollinger*
  – Prohibits use of quotas
Understanding Civil Rights and Public Policy

• Civil Rights and Democracy
  – Equality favors majority rule.
  – Suffrage gave many groups political power.

• Civil Rights and the Scope of Government
  – Civil rights laws increase the size of government.
  – Civil rights protect individuals.
Naturalization

• Legal act of conferring citizenship on an alien
  – Over age of 18
  – Lawfully admitted for permanent residence
  – Reside in U.S. 5 yrs and state for 6 months
  – Be able to read, write and speak English
  – Swears to support and defend Constitution
  – Promises to bear arms on behalf of U.S. when law requires
Naturalization

• Dual citizenship is allowed
  – Children born abroad of U.S. citizens
  – Nations that do not recognize the right of individuals to renounce their citizenship
    • Right of Expatriation
Equal Protection Clause

• 14th Amendment-states/ 5th Amendment
• Constitutional Classifications and Tests
  – To determine whether a law complies with the equal protection requirement
  – **Rational Basis Test** - places burden of proof on the parties attacking the law - must show law has no rational or legitimate government goals
Equal Protection Clause

• Constitutional Classifications and Tests
  – **Strict Scrutiny Test**- a law treats people differently because of race, national origin or religion
  – **Heightened Scrutiny Test**- must show that its classification serves “important government objectives”
    • Classifications based on gender and sex unconstitutional